

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

James F. Mason, Jr., individually and on behalf of K&J, INC.

(b) County of Residence of First Listed Plaintiff Mobile County, AL
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Sidney Jackson, III P.O. Box 2225, Mobile, AL 36652; T.:
251-433-6699

DEFENDANTS

Transocean, LTD., BP, PLC., Transocean, LTD, Transocean Offshore Deepwater Drilling, Inc., Transocean Deepwater, +

County of Residence of First Listed Defendant Houston County, TX
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input checked="" type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332

Brief description of cause:
Class action regarding oil spill in the Gulf of Mexico

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

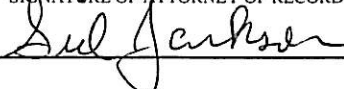
JUDGE

DOCKET NUMBER

DATE

4-28-10

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES F. MASON, JR., individually and on behalf of
K & J, Inc.,

Plaintiff,

v.

Cv- 10-

**TRANSOCEAN, LTD., BP, PLC,
TRANSOCEAN, LTD, (TRANSOCEAN ENTITY),
TRANSOCEAN OFFSHORE DEEPWATER
DRILLING, INC., (TRANSOCEAN ENTITY),
TRANSOCEAN DEEPWATER, INC,
(TRANSOCEAN ENTITY), BP PRODUCTS
NORTH AMERICA, INC.,
HALLIBURTONENERGY SERVICES, INC.,
CAMERON INTERNATIONAL CORPORATION,
and BP AMERICA**

Defendant

CLASS ACTION COMPLAINT

COMES NOW the Plaintiff, James F. Mason, Jr., (hereinafter sometimes referred to as “Plaintiff”), individually, and on behalf of all others similarly situated who is a person of the full age of majority and resides in Mobile County, Alabama. James F. Mason, Jr. is a shrimper and the owner of K & J, Inc. which operates an 82 foot shrimp boat. Plaintiff shows unto this honorable Court as follows:

1. Defendants herein are:

(A) TRANSOCEAN, LTD, hereinafter referred to as “Transocean”, a foreign corporation doing business in the State of Alabama;

(B) BP, PLC, hereinafter referred to as “BP”, a foreign corporation doing business in the State of Alabama;

(C) TRANSOCEAN, LTD, (TRANSOCEAN ENTITY), a foreign corporation doing business in the State of Alabama;

(D) TRANSOCEAN OFFSHORE DEEPWATER DRILLING, INC., (TRANSOCEAN ENTITY), a foreign corporation doing business in the State of Alabama;

(E) TRANSOCEAN DEEPWATER, INC., (TRANSOCEAN ENTITY), a foreign corporation doing business in the State of Alabama;

(F) BP PRODUCTS NORTH AMERICA, INC. hereinafter referred to as “BP Products”, a foreign corporation doing business in the State of Alabama;

(G) HALLIBURTONENERGY SERVICES, INC. hereinafter referred to as “Halliburton”, a foreign corporation doing business in the State of Alabama;

(H) CAMERON INTERNATIONAL CORPORATION f/k/a COOPER CAMERON CORPORATION (CAMERON), a foreign corporation that manufactured, supplied and/or maintained defective and/or inoperable Blow Out Preventors (BOP) doing business in the State of Alabama;

(I) BP AMERICA, a foreign corporation and owner/operator of well lease doing business in the State of Alabama.

2. This court has jurisdiction over this class action pursuant to (1) 28 U.S.C. § 1332(d)(2), as amended by the Class Action Fairness Act of 2005, Pub. L. 109-2, because the matter in controversy exceeds the sum or value of \$5,000,000.00, exclusive of interest and costs, and is a class action brought by the citizens of a state that is different from the state where at

least one of the Defendants are incorporated or do business; (2) 28 U.S.C. § 1331, because the claims asserted here in arise under the laws of the United States of America.

3. Plaintiff, James F. Mason, Jr., is a shrimper in the Gulf of Mexico and seeks to represent all commercial fishermen residing in the State of Alabama who work in the Gulf of Mexico.

4. TRANSOCEAN ENTITIES, employed workers aboard the offshore drilling vessel, DEEPWATER HORIZON, a semi-submersible mobile drilling unit that was owned and/or operated and/or chartered and/or controlled by TRANSOCEAN ENTITIES and/or BP and/or BP PRODUCTS and/or BP AMERICA at all material times herein. Defendant herein, HALIBURTON, prior to the explosion, was engaged in cementing operations of the well and well cap and, upon information and belief, improperly and negligently performed these duties, which was a cause of the explosion. Defendant herein, HALIBURTON, prior to the explosion, was engaged in cementing operations of the well and well cap and, upon information and belief, improperly and negligently performed these duties, which was the cause of the explosion. Defendant CAMERON manufactured, supplied, installed and/or maintained defective BOP's that failed to operate and control the oil leak.

5. On or about April 20, 2010, at approximately 10 p.m., on the DEEPWATER HORIZON, which is located 50 miles southeast of Venice, Louisiana, without warning, an explosion occurred on the vessel, causing its crewmembers to be thrown overboard and killing several crewmembers aboard the vessel. Oil gushed into the Gulf of Mexico from a depth of 5,000 feet.

6. As of April 28, 2010, the oil slick resulting from the explosion has a circumference of 600 miles and can be seen from space. It is currently within 21 miles of land and is preventing normal shrimping and fishing operations. It is destroying the fishery and harming the environment.

7. The accident was caused by no fault of the Plaintiff and was caused solely by the negligence of Defendants as more fully set forth herein. Since the time of the accident a remotely operated vehicle continues to carry out “multiple attempts” to activate the subsea blowout preventer to stop the well from leaking an estimated one thousand barrels of crude per day into the Gulf. To date the “hot stab” to shut off the well by use of the subsea blowout preventer has been unsuccessful.

8. Plaintiff further maintains that Defendants were negligent or wanton in responding to the disaster, particularly with respect to downplaying the nature, size and extent of the leak and failing to employ adequate responders and/or equipment in the field to control the oil slick.

9. As a result of the above described incidents, Plaintiff, James F. Mason, Jr., has been prevented from shrimping in the Gulf anywhere near the explosion site and oil spill and he and other shrimpers, fishermen, oystermen and other commercial fishermen will lose income because of the oil spill.

10. At all times material hereto, the vessel which exploded, was owned, navigated in navigable waters, manned, possessed, managed, controlled, chartered and/or operated by Defendant, TRANSOCEAN ENTITIES and/or BP and/or BP PRODUCTS.

11. This incident occurred as a result of the negligence of Defendants, TRANSOCEAN ENTITIES and/or BP and/or BP PRODUCTS. These acts of negligence render the defendants liable to Plaintiff pursuant to the provisions of general maritime law for negligence.

12. The accident was caused by Defendants' violation of numerous statutes and regulations, including, but not limited to, statutes and regulations issued by OSHA and the United States Coast Guard including the requirement to test the subsea blowout preventer every two weeks.

13. Defendant BP, BP PRODUCTS and BP AMERICA knew of the dangers of deep water drilling and failed to take appropriate measures to protect workers and the environment.

14. Plaintiff, James F. Mason, individually, and on behalf of all others similarly situated, demands that Defendants provide the cost of cleanup of the 1000+ barrels of crude oil lost daily since the incident and to pay for the consequential damages suffered by the Class Members.

CLASS ACTION ALLEGATIONS

a. Numerosity of the class

15. The proposed class is so numerous that joinder is impractical. There are hundreds of commercial fishermen directly affected by the spill. The disposition of the claims asserted herein through this class action will be more efficient and will benefit the parties and the court.

b. Predominance of common Questions of Fact and Law

16. There is a well-defined community of interest in that the questions of law and fact common to the class predominate over questions affecting only individual Class members and include, but are not limited to, the following:

- A. Whether Defendants caused and/or contributed to the explosion and oil spill;
- B. Whether Defendants' actions were negligent;
- C. Whether or not the explosion and oil spill have caused environmental or other damage; and,
- D. The amount of damages Plaintiff and the Class members should receive as compensation.

c. **Typicality**

17. Plaintiff and Class Members have suffered similar harm as a result of Defendants' actions.

d. **Adequacy of Representation**

18. Plaintiff will fairly and adequately represent and protect the interest of the members of the class because his interests do not conflict with the interests of the Class Members they seek to represent. Plaintiff has no claim antagonistic to those of the class. Plaintiff has retained counsel competent and experienced in complex class actions and maritime litigation.

e. **Superiority**

19. A class action is superior to other available methods for the fair and efficient adjudication of this litigation since individual litigation of the claims of all Class Members is impracticable. Even if every Class Member could afford individual litigation, the court system could not. It would be unduly burdensome to this court in which individual litigation of thousands of cases would proceed. Individual litigation presents a potential for inconsistent or

contradictory judgments and the prospect of a race for the courthouse and an equitable allocation of recovery among those with equally meritorious claims. Individual litigation increases the expenses and delay to all parties and the court system in resolving the legal and factual issues common to all claims related to the Defendants' conduct alleged herein. By contrast, a class action presents far fewer management difficulties and provides the benefit of a single adjudication, economies of scale, and comprehensive supervision by a single court.

20. The various claims asserted in the action are certifiable under the provisions of Rule 23 (b)(1) and/or 23(b)(2) of the federal Rules of Civil Procedure because:

- a. The prosecution on separate actions by thousands of individual Class Members would create a risk of inconsistent or varying adjudications with respect to individual Class member, loss of establishing incompatible standards of conduct for Defendants;
- b. The prosecution of separate actions by individual Class members would also create the risk of adjudications with respect to them that would, a practical matter, be dispositive of the interests of the other Class Members who are not parties to such adjudications and would substantially impair or impede their ability to protect their interests; and,
- c. Defendants have acted or refused to act on grounds generally applicable to the entire Class, thereby making appropriate final declaratory and injunctive relief with respect to the class as a whole appropriate.

21. The above-described incidents were caused solely by the negligence of Defendants, TRANSOCEAN ENTITIES and/or BP and/or BP PRODUCTS and HALIBURTON, through their agents, servants and employees, which are more particularly described as follows:

- a. Failing to properly operate the Deepwater Horizon;
- b. Failing to properly supervise employees upon the Deepwater Horizon;
- c. Failing to properly train and/or supervise employees upon the Deepwater Horizon;
- d. Failing to properly inspect to assure that the Deepwater Horizon equipment and personnel were fit and utilized for their intended purpose;
- e. Failing to provide sufficient personnel to perform operations aboard the Deepwater Horizon;
- f. Failing to exercise due care and caution in the operation of the Deepwater Horizon;
- g. Failing to promulgate, implement and enforce rules and regulations pertaining to the safe operations of the Deepwater Horizon day while operating and constructing at the time of the explosion;
- h. Inadequate and negligent training and hiring in the construction and maintenance and operation of the Deepwater Horizon;
- i. Failing to ascertain that the Deepwater Horizon was free from defects and/or in proper working order;

j. Failure to timely bring the release under control;

k. Failure to react to danger signs; and, such other acts of negligence and omissions as will be shown at the trial of this matter;

l. Other acts of negligence which will be shown more fully at trial.

22. In the further alternative, Plaintiff, reiterating and realleging each and every allegation set forth above, as though set forth herein in extensor, avers the applicability of the doctrine of *res ipsa loquitur*.

23. In addition, and alternatively, any explosion and resulting oil released was caused by defective equipment which was manufactured or in the care, custody, and control of Defendants and over which the Defendants had control. Defendants knew or should have known of these defects and Defendants are, therefore, liable for them.

24. The damages to Plaintiff and the Class Members were also caused by or aggravated by the fact that Defendants failed to properly respond to the release and take necessary actions to mitigate the danger to the surrounding community and/or to timely and adequately warn of the release of oil.

25. In addition to the negligent actions described above, and in the alternative thereto the injuries and damages suffered by Plaintiff and the Class Members were caused by the acts and/or omissions of the Defendants that are beyond proof by the Plaintiffs and the Class Members, but which are within the knowledge and control of the Defendants, there being no other possible conclusion that the explosion and release of oil resulted from the negligence of Defendants. Furthermore, the explosion and the resultant oil released would not have occurred had the

Defendants exercise the high degree of care and post on them and Plaintiffs, therefore, plead the doctrine of the *res ipsa loquitor*.

26. Plaintiff and the Class Members are entitled to a judgment finding Defendants liable to Plaintiff and the Class Members for damages suffered as a result of Defendants' negligence and awarding Plaintiff and the Class Members adequate compensation therefore in amounts determined by the trier of fact.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, James F. Mason, Jr., individually, and on behalf of all others similarly situated, pray that the Defendants, jointly, severally, and *in solido*, as follows:

- a. An ordered certifying the class for the purpose of the going forward with any one or all of the causes of action alleged herein; appointing Plaintiff as the class representative; and appointing undersigned counsel as counsel for the class;
- b. Economic and compensatory damages in the amounts to be determined at trial, but not less than the \$5,000,000.00 required by the Class Action Fairness Act which establishes the Court's jurisdiction to hear this case.
- c. Punitive damages;
- d. Pre-judgment and pot-judgment interest at the maximum rate allowable by law;
- e. Attorney's fees and costs of litigation;
- f. Such other and further relief available under all applicable state and federal laws and any relief the court deems just and appropriate; and

g. A trial by jury as to all Defendants.

Respectfully submitted,
/s/SIDNEY W. JACKSON, III
SIDNEY W. JACKSON, III
MATHEW B. RICHARDSON
JACKSON, FOSTER & RICHARDSON, LLC
P.O. Box 2225
Mobile, AL 36652
T.: 251-433-6699
F.: 251-433-6127
sid@jacksonfosterlaw.com
mat@jacksonfosterlaw.com

Plaintiff respectfully requests trial by jury.

Defendants may be served via certified mail as follows:

BP America

BP, PLC

C T Corporation System
2 North Jackson St.
Suite 605
Montgomery, AL 36104

BP Products North America, Inc.

CSC-Lawyers Incorporating Service
150 S. Perry St.
Montgomery, AL 36104

Cameron International Corporation

C T Corporation System
2 N. Jackson St.
Suite 605
Montgomery, AL 36104

Halliburton Energy Services, Inc.

C T Corporation System
2 North Jackson St.
Suite 605
Montgomery, AL 36104

Transocean, LTD.

Transocean Offshore Deepwater Drilling, Inc.

Transocean Deepwater, Inc.

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